

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 860 – HB 1275

April 8, 2013

SUMMARY OF ORIGINAL BILL: Authorizes an individual who was convicted of a crime after November 1, 1989, and received parole and was pardoned by the Governor, to petition the court for an expunction of the individual's criminal record.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006285): Deletes all language after the enacting clause.

Changes from November 1, 1989 to January 1, 1980 the date after which a person convicted of a non-violent crime may have his records expunged under the conditions of the bill.

Adds new subsection to Tenn. Code Ann. § 40-32-101 authorizing an individual who was convicted of a crime after November 1, 1989, and received parole and was pardoned by the Governor, to petition the court for an expunction of the individual's criminal record.

Provides that the same procedures for other petitions for expunction apply to this new class of expunction.

Replaces references in subsection (g) from "this subsection" to "this subsection (g) or subsection (h)" relative to the fee for expunction and the records that a petitioner is entitled to have destroyed.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Public Chapter 1103 of 2012 authorized certain Class E felony and misdemeanor offenders convicted on or after November 1, 1989, and certain offenders convicted of felonies and misdemeanors prior to November 1, 1989, to petition the court for

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expunction of their criminal records every two years. The fiscal impact of this public chapter was based on approximately 95,856 expunction requests each year and 50 percent of those requests would be able to pay the \$350 fee to have his or her record expunged resulting in significant increases to state and local revenue in FY12-13 and increasing in FY13-14.

- It is unknown how many individuals who are not currently eligible will be able to petition for expunction of their criminal records as a result of the proposed legislation.
- It is estimated that any increase in expunction requests as a result of this legislation by individuals who can pay the required fee will be minimal and will not significantly increase the costs incurred to process the requests or the fee revenue generated.
- It is assumed that any impact on the courts caseload due to increased petitions filed as a result of this legislation can be accommodated within existing resources.
- Any fiscal impact to state and local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm